

RULE 221

Federal Operating Permit Requirement

(A) Requirement to Obtain a Federal Operating Permit.

- (1) Any Facility, as defined in District [Rule 1201\(M\)](#), which is subject to the provisions of [Regulation XII](#) shall obtain a Federal Operating Permit.
- (2) No Facility, as defined in District [Rule 1201\(M\)](#), which is subject to the provisions of [Regulation XII](#) shall operate after the time it is required to submit a complete application pursuant to the provisions of District [Rule 1202](#) unless:
 - (a) Such Facility holds and is in compliance with a Federal Operating Permit issued pursuant to the provisions of [Regulation XII](#); or
 - (b) Such Facility is operating without a Federal Operating Permit pursuant to the provisions of District [Rule 1202\(E\)](#).
- (3) Termination of a Federal Operating Permit pursuant to the provisions of District [Rule 1206\(C\)](#) terminates the right of the Facility to operate.

(B) Voluntary Emission Limitations.

- (1) Any Facility, as defined in District [Rule 1201\(M\)](#), which would otherwise be subject to the provisions of [Regulation XII](#) may elect to voluntarily limit its emissions to the extent that the Facility is no longer subject to the provisions of [Regulation XII](#). Voluntary emissions limitations under this rule shall comply with the following:
 - (a) Application(s) and request for voluntary emission limitation.
 - (i) The Facility shall apply for or shall have previously applied for all the appropriate permits for all permit units, as defined in District [Rule 1201\(V\)](#), under the provisions of District [Regulation II](#) and request, in writing, a voluntary emission limitation.

- (ii) As an attachment to the application(s) or as a part of the request for a voluntary emission limitation the Facility shall identify and describe all sources of emissions at the Facility, including all permit units as defined in District [Rule 1201\(V\)](#) and all equipment not requiring a permit pursuant to District [Rule 219](#).
 - (iii) Fugitive emissions of Hazardous Air Pollutants, as defined in District [Rule 1201\(R\)](#), shall be identified and described as a source of emissions at the Facility. Fugitive emissions of other Air Pollutants shall not be identified and described as a source of emissions at the Facility unless such Facility belongs to a category listed in [40 CFR 70.2 "Major Source"\(2\)](#).
 - (iv) As an attachment to the application(s) or as a part of the request for a voluntary emission limitation the Facility shall provide a calculation of annual emissions from the sources of emissions identified in [subsection \(1\)\(a\)\(ii\)](#) above.
 - (v) As an attachment to the application(s) or as a part of the request for a voluntary emission limitation the Facility shall provide proposed permit conditions which would limit emissions at the Facility, to a level below that of a Major Facility as defined in District [Rule 1201\(S\)](#).
- (b) Permit Conditions.
- (i) The owner/operator shall accept permit conditions which implement the voluntary emission limitation, including but not limited to, requirements for monitoring, reporting and record keeping sufficient to determine compliance with the voluntary emission limitation.
 - (ii) Permit conditions imposing a voluntary emission limitation shall be at least as stringent as those imposed by any Applicable Requirement, as defined in District [Rule 1201\(G\)](#).
 - (iii) Permit conditions imposing a voluntary emission limitation shall be practically enforceable and any limitations, controls or requirements related to a voluntary emission limitation contained in the permit shall be permanent and quantifiable.

- (2) Until such time as a voluntary emission limitation is issued and fully effective, any Facility subject to the provisions of Regulation XII remains subject to that regulation.

(C) Procedure for Issuance of Voluntary Emission Limitation.

- (1) Any permit containing a voluntary emission limitation shall be issued in the following manner:
 - (a) After the receipt of application(s), if any, and a request for a voluntary emission limitation by the District the APCO shall determine if the application(s) and any additional information required by subsection (B)(1)(a) above is complete.
 - (b) If the additional information is complete the APCO shall produce a draft permit containing appropriate permit conditions. The APCO shall indicate on the permit which permit conditions, including any conditions for monitoring, reporting and record keeping, implement the voluntary emission limitation.
 - (c) The APCO shall send the draft permit to USEPA, shall publish a notice in at least one daily newspaper of general circulation within the District and shall send the notice to all persons who have requested such notice and/or are on a list of persons on file with the Clerk of the Board. The APCO shall also provide notice by other reasonable means, if such notice is necessary, to assure fair and adequate notice to the affected public. The notice shall provide a 30 day period for written comments and shall include:
 - (i) The name and location of the Facility, including the name and address of the permit holder or applicant if different.
 - (ii) A statement that the Facility is applying for a Voluntary Emission Limitation.
 - (iii) The District name, address, telephone number and contact person from whom interested persons may obtain additional information.
 - (d) Upon receipt of comments from the public the APCO shall consider all comments which are germane, non-frivolous and relate to the provisions implementing the voluntary emission limitation in determining whether to issue, revise or deny the permit. The APCO shall place such comments and any response thereto in the file for the Facility.

- (e) Upon receipt of valid comments from the public and/or from the USEPA, the APCO shall make any revisions to the permit which are necessary. Such revisions shall be thereafter resubmitted to USEPA for approval.
- (f) After the permit has been issued, the APCO shall send a copy of the permit as issued to USEPA.

(D) Renewals of Voluntary Emission Limitation.

- (1) Renewals of permits containing a voluntary emission limitation shall be processed in the same manner as any other permit issued pursuant to Regulation II unless there is a change which would qualify as a Minor Permit Modification or a Significant Permit Modification as defined in District Rule 1201(T) or (BB) in a condition which has been identified as implementing the voluntary emission limitation. A permit renewal containing such substantive change shall be processed under section (C) above.
- (2) The APCO shall send a list of all permits containing a voluntary emission limitation which have been renewed to USEPA on a quarterly basis.

E. Violations of Permit Conditions.

- (1) A violation of any permit condition(s) identified as imposing or implementing a voluntary emission limitation shall be deemed a violation of this rule.

[SIP: Approved 2/5/96, 61 FR 4217, 40 CFR 52.220(c)(216)(I)(A)(2)]